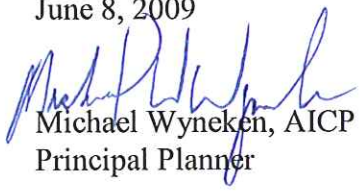




MEMORANDUM

DATE: June 8, 2009

TO: Peter Gavin
Zoning Examiner

FROM: 
Michael Wyneken, AICP
Principal Planner

SUBJECT: SE-09-06 Cricket – 6th Avenue, C-2 Zone (Ward 5)

The preliminary conditions for the above referenced case should have included a condition regarding the Airport Disclosure Statement referenced in the staff report. Staff requests that Preliminary Condition Ten, as indicated below be included in accordance to the staff report.

10. The applicant/property owner shall record an airport disclosure statement that recognizes the existence and operational characteristics of Tucson International Airport prior to the City's approval of any building permit. A copy of the recorded disclosure statement shall be submitted as part of the development plan. The applicant shall provide a copy of the disclosure statement to the Tucson Airport Authority, Director of Planning.

AIRPORT DISCLOSURE STATEMENT

The undersigned purchaser(s) of a lot in the subdivision known as _____, a Pima County subdivision recorded in Book _____ at Page _____ of Maps and Plats, acknowledges that the property lies in proximity to Tucson International Airport and that the property is subject to aircraft overflight and noise that may be annoying or objectionable to some persons.

Flight patterns within 5 nautical miles of Tucson International Airport (TIA) are controlled by the Federal Aviation Administration (FAA) Air Traffic Control Tower (ATCT) according to rules and guidelines for maintaining aircraft separation. The ATCT at TIA is in operation 24 hours per day. According to FAA rules, except when necessary for takeoff and landing, aircraft may not fly below 1000 ft. above ground level in populated areas.

While air traffic may be generalized into tracks, it is, by nature, dispersed. Aircraft may approach and depart the airports from any number of directions. Flight paths vary depending on a variety of factors including origin/destination, wind conditions and other aircraft in the traffic pattern. As a result, any property in the vicinity of an airport is likely to be subject to aircraft overflight and its impacts to some degree.

As traffic approaches or departs an airport it is lower to the ground, more concentrated and more frequent. The area where air traffic converges as it approaches and departs the airport is represented by the FAA Traffic Pattern Airspace. This area is shown on exhibit A, attached. Lower altitudes and more frequent activity increase the perceived impacts of aircraft on the ground within this area.

The most significant impacts occur within noise contours. Noise contours depict the area where average noise exposure over a 24 hour period is considered "significant" by FAA standards. Measures such as sound insulation of structures and land use planning to exclude noise sensitive uses are required to maintain compatibility within these areas. As explained, aircraft approach and depart the airports on dispersed paths. As a result, a property that is outside established noise contours may still be impacted by the effects of periodic aircraft overflights.

Flight patterns are apt to shift or change over time. Changes in operations may occur due to weather, changes in users, changes in aircraft type, military missions, weather conditions, etc. Similarly, TIA has a master plan that identifies plans for future expansion and development needs. These plans are updated every several years to respond to the needs of the aviation community.

The undersigned acknowledges that the Tucson Airport Authority, the City of Tucson and all persons lawfully using the Airport have the right to operate aircraft in the airspace above and near the property and does not consider that the existence of the airport or use of the airspace above and near the property adversely affects the undersigned.

Dated this _____ day of _____, 20____.

Purchaser _____ Date _____

Purchaser _____ Date _____